

PATENT
Attorney Docket GENE-035/09US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 05 2006

In re Application of: D. MENDRICK *et al.*)
Application No.: 09/917,800) Group Art Unit: 1631
Filed: July 31, 2001) Examiner: Cheyne D. Ly
For: Molecular Toxicology Modeling)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR ACCORDING THE FILING DATE
OF A TIMELY FILED RESPONSE

Sir:

It has been brought to our attention that our Amendment in response to the Office Action issued on June 6, 2005 for the above-referenced application, which we timely filed on December 6, 2005, has not been correctly entered by the Patent Office due to typographic errors in the Application Serial No. on Applicants' Amendment. The correct Serial No. of the present application is 09/917,800. However, in our December 6, 2005 Amendment, the Serial No. was inadvertently typed as 10/917,800. A typographic error was also made in the headings of the Amendment. Instead of showing "Application 09/917,800" the heading reads "Application 10/152,319" which is a different patent application pending before the Patent Office. We believe it was due to these typographic errors that the Patent Office was unable to match the correct file with the submitted Amendment.

We have since corrected the typographic errors and hereby resubmit the December 6, 2005 Amendment (see Appendix A.) Since the December 6, 2005 Amendment were timely filed except for the typographic errors noted above, Applicants petition the Director of the USPTO to accord the same filing date to the present resubmitted Amendment. We enclose herein a copy of the postcard receipt of the filing of the Amendment and the originally filed Amendment with the USPTO date stamp (December 6, 2005) as evidence that the Amendments were timely filed in response to the Office Action (see Appendix B.)

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If there are any fees due in connection with the filing of this petition, please charge the fees to our Deposit Account No. 50-1283. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: January 5, 2006

Respectfully submitted,
Cooley Godward LLP

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